

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3299 of 2019

Arising Out of PS. Case No.-41 Year-2017 Thana- SC/ST District- Jamui

1. Bhauri Yadav Son of Govind Yadav Resident of Village - Kurila, P.S.- Gidhour, Dist.- Jamui.
2. Nunwatiya Devi @ Nanwatiya Devi W/o Bhauri Yadav Resident of Village - Kurila, P.S.- Gidhour, Dist.- Jamui.
3. Jhotal Yadav @ Jatal Yadav @ Jutar Yadav Son of Bhauri Yadav Resident of Village - Kurila, P.S.- Gidhour, Dist.- Jamui.
4. Pawrit Yadav Son of Bhauri Yadav Resident of Village - Kurila, P.S.- Gidhour, Dist.- Jamui.
5. Nitish Kumar @ Nitish Kumar Yadav Son of Jhotal Yadav @ Jatal Yadav Resident of Village - Kurila, P.S.- Gidhour, Dist.- Jamui.
6. Jhagru Yadav @ Sahdeo Yadav Son of Jaya Yadav Resident of Village - Kurila, P.S.- Gidhour, Dist.- Jamui.
7. Pancha Devi Wife of Tribhuwan Yadav Resident of Village - Kurila, P.S.- Gidhour, Dist.- Jamui.
8. Chhotan Yadav Son of Jaya Yadav Resident of Village - Sunaila Tanr, P.S.- Sono, Dist.- Jamui.
9. Chatur Yadav @ Chutar Yadav Son of Late Jahir Yadav Resident of Village - Jhundo, P.S.- Khaira, Dist.- Jamui.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Mahto
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 14-11-2019 Heard learned counsel for the appellants and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail



vide order dated 04.07.2019 passed by learned 1st Addl. District & Sessions Judge, Jamui in Jamui SC/ST P.S. Case No. 41 of 2017 registered under Sections 147, 341, 323, 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant along with his family members was proceeding to the Station in the Auto, appellants intercepted them on the way near the orchard and dragging them out of the Auto slated in the name of their caste and assaulted them by means of leg and fist over his failure to get the case lodged by Sangita Hansda withdrawn.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case by the informant due to animosity and dirty village politics. Allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Slating the informant and his family members is said to have been made near the orchard i.e. in the desolate place and not in the public view, hence, no offence under SC/ST Act is made out against the appellants. There is inordinate and abnormal delay of 28



days in lodging the FIR without assigning any plausible explanation for the said delay, which creates serious doubt about the prosecution case.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge, Jamui in Jamui SC/ST P.S. Case No. 41 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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